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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 NICHOLAS LINDSEY,
15 Defendant.

2:11-CR-217-LDG

STIPULATION TO CONTINUE
MOTION DEADLINES AND
TRIAL DATE

(3rd Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
17 States Attorney, and Christina Brown, Assistant United States Attorney, counsel for the United
18 States of America, and Rene L. Valladares, Federal Public Defender, and William Carrico, Assistant
19 Federal Public Defender, counsel for, NICHOLAS LINDSEY, that the calendar call currently
20 scheduled for, January 3, 2012 at the hour of 9:00 a.m., and the trial currently scheduled for, January
21 9, 2012 at the hour of 9:00 a.m. be vacated and set to a date and time convenient to this court.
22 However, no event earlier than ninety (90) days.

23 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and
24 including February 15, 2012 , by the hour of 4:00 p.m., within which to file any and all pretrial
25 motions and notice of defense.
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27 ...

28 ...

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall

1 have to and including March 1, 2012 by the hour of 4:00 p.m., within which to file any all responsive
2 pleadings.

3 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
4 have to and including March 9, 2012 by the hour of 4:00 p.m., within which to file any and all
5 replies to dispositive motions.

6 This Stipulation is entered into for the following reasons:

7 1. On December 14, 2011 a Superseding Indictment has been filed. Counsel for
8 the defense needs additional time to review said charges and to consult with his client to review
9 records relating to the additional charges.

10 2. In addition, Counsel for Defendant Nicholas Lindsey, has just concluded a thirty-six
11 day trial in the matter of *U.S. v. Steven Grimm, et. al 2:08-cr-064-RLH*,. This would hinder the
12 ability of Mr. Lindsey's counsel to thoroughly review and prepare for trial by the date now
13 scheduled.

14 3. The Defendant is not in custody, and does not object to this continuance.

15 4. The additional time requested herein is not sought for purposes of delay, but merely
16 to allow counsel for defendant sufficient time within which to be able to effectively and thoroughly
17 research, prepare and submit for filing appropriate pretrial motions.

18 5. Additionally, denial of this request for continuance could result in a miscarriage of
19 justice.

20 6. The additional time requested by this Stipulation is excludable in computing the
21 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
22 States Code, Section 3161(h)(3)(A) and Title 18, United States Code, Section 3161(h)(7)(A),
23 considering the factors under Title 18, United States Code, Sections 3161 (h)(7)(B)(i) and Sections
24 3161 (h)(7)(B)(iv).

25 This is the 3rd request for continuance filed herein.

26 DATED this 15th day of December, 2011.

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28 RENE L. VALLADARES
Federal Public Defender

DANIEL G. BOGDEN,
United States Attorney

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/s/ William Carrico
By: _____
WILLIAM CARRICO
Assistant Federal Public Defender

/s/ Christina Brown
By: _____
CHRISTINA BROWN
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS LINDSEY,

Defendant.

2:11-CR-217-LDG
FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On December 14, 2011 a superseding indictment has been filed. Counsel for the defense needs additional time to review said charges and to consult with his client to review records relating to the additional charges.

2. In addition, Counsel for Defendant Nicholas Lindsey, has just concluded a thirty-six day trial in the matter of *U.S. v. Steven Grimm, et. al 2:08-cr-064-RLH*.. This would hinder the ability of Mr. Lindsey's counsel to thoroughly review and prepare for trial by the date now scheduled.

3. The Defendant is not in custody, and does not object to this continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and thoroughly research, prepare and submit for filing appropriate pretrial motions.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(3)(A) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161 (h)(7)(B)(i) and Sections

1 3161 (h)(7)(B)(iv).

2 **CONCLUSIONS OF LAW**

3 The ends of justice served by granting said continuance outweigh the best interest of the
4 public and the defendant in a speedy trial, since the failure to grant said continuance would be likely
5 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
6 within which to be able to effectively and thoroughly prepare for trial, taking into account the
7 exercise of due diligence.

8 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United
9 States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A),
10 when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and
11 3161(h)(7)(B)(iv).

12 **ORDER**

13 IT IS THEREFORE ORDERED that the parties herein shall have to and including February
14 15, 2012 by the hour of 4:00 p.m., within which to file any and all pretrial motions and notice of
15 defense.

16 IT IS FURTHER ORDERED that the parties shall have to and including March 1, 2012, by
17 the hour of 4:00 p.m., within which to file any all responsive pleadings.

18 IT IS FURTHER ORDERED that the parties shall have to and including March 9, 2012, by
19 the hour of 4:00 p.m., within which to file any and all replies to dispositive motions.

20 IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury
21 instructions, and a list of the Government's prospective witnesses must be submitted to the Court
22 by the ____ day of _____, 2012, by the hour of 4:00 p.m.

23 IT IS FURTHER ORDERED that the calendar call currently scheduled for January 3,
24 2012 at the hour of 9:00 a.m., be vacated and continued to _____ at
25 the hour of _____ a.m.; and the trial currently scheduled for January 9, 2012 at the hour of
26 9:00 a.m. be vacated and continued to _____ at the hour of
27 _____ a.m.

28 DATED ____ day of ____, 2011.

UNITED STATES DISTRICT JUDGE